

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
 Biennial Review 2002) CG Docket # 02-311
)

Comments of

Pamela Y. Holmes, Chair

National Association of the Deaf–Telecommunications Advocacy Network (NAD-TAN)

On behalf of the National Association of the Deaf-Telecommunications Advocacy Network (NAD-TAN) comprised of over 80 key deaf and hard of hearing communications access leaders across America and as an individual, I submit these comments.

As an individual who became deaf at the age of 13, and who represents a network that has closely followed the FCC’s rulemaking proceedings related to disability issues for years, we wish to strongly go on record in opposition to any weakening revisions or repeal of FCC’s disability-related rules, specifically the rules listed below.

NAD-TAN members have closely followed disability policy development intended to provide fundamental telecommunication opportunity for those who are deaf or hard of

hearing, and we find it mind boggling, somewhat disturbing, and rather ‘unthinkable’ that the FCC would *even consider* revision or repeal of these critical rules. Quite frankly, revising or repealing these critical regulations is *as inappropriate as driving down the street backwards or going down the up escalator*. Time and again, it has been proven and remains true: the marketplace alone will not, and historically has not, provided access for those with hearing loss without the FCC’s regulations.

Despite the fact this is a procedural review and could be viewed as perfunctory, please do not allow any inappropriate ‘backtracking’ in the following critical rules:

Part 1 – Practice and Procedure – Subpart E – Informal Complaints - An informal complaint mechanism is critical to allow consumers who are not lawyers nor experienced in formal protocol to submit comments on problems they have faced that are covered by FCC rules or are in need of new protection.

Part 6 – Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities – Obligations of manufacturers and service providers concerning accessibility to telecommunications service and equipment. These rules should not only be left intact, but better enforcement should be implemented. Putting rules on the books without enforcement is *short of ‘walking the talk.’* As it is now, the rules have brought somewhat superficial access to telecommunication products and services. Repealing or weakening revisions to the Section 255 rules will bring further dismal results.

Part 7 – Access to Voicemail and Interactive Menu Services and Equipment by People

with Disabilities – Obligations of providers of voicemail and interactive menu services as well as manufacturers of telecommunications equipment which performs a voicemail or interactive menu function. In today's telecommunications environment, access to Voice Mail and Interactive Menu Services is absolutely necessary.

Part 64 – Miscellaneous Rules Relating to Common Carriers – Subpart F -

Telecommunications Relay Services (TRS). If anything these rules need strengthening to bring us closer to functional equivalent telephony. TRS provisions are a basic right under Title IV of the Americans with Disabilities Act. Congress did not intend for the biennial review to consider such basic access provisions as subject to repeal or weakening provisions. One reason I and some of NAD-TAN's members personally became such strong advocates is because we lost our hearing in our teen years at a time when the telephone was a basic and necessary social tool. When one wanted to punish a teen in those days - the phone was first to go! As I and others lost our hearing, we could not get over the fact that despite technology existence to make the telecommunication network accessible to all Americans with or without disabilities, access was 'taken away' simply because we could not hear. Let's not now make 'wrong', what you have wisely made closer to 'right.'

Part 68 – Connection of Terminal Equipment to the Telephone Network – Rules in this part relating to hearing aid compatibility. Considering the huge number of individuals in America that wear hearing aids, including those within this country's current Presidential Cabinet, it is *inappropriate* to remove this provision. Actually, it is long over due for the FCC to move forward and remove the waiver for hearing aid compatibility in relation to wireless telephones.

In closing, the FCC *should not consider 'driving down the road backwards', nor 'going down the up escalator'*. In other words, the FCC should leave the disability-related telecommunications/technology regulations fully intact. With all due respect, we feel compelled to say, **“Don’t even think about it!”** The disability-related regulations are needed to protect consumer rights and provide opportunity to access our nation’s telecommunications products, network and services. If anything the FCC rules stated in the above mentioned proceeding should be strengthened rather than weakened or repealed. Thank you in advance for your wise decision in this regard.

Sincerely,

Pamela Y. Holmes, Chair

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October 21, 2002